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December 21, 2004

The Honorable Glenn Fine
Inspector General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Inspector General:

We write with an urgent request that you investigate circumstances surrounding the torture of detainees at Guantanamo Bay, Cuba. According to FBI documents disclosed by the American Civil Liberties Union, FBI agents witnessed military personnel torturing detainees and admirably attempted to put a halt to these tactics. Just this past summer, however, the White House stated it did not permit torture and disavowed an August 2002 Justice Department memorandum that attempted to legalize such treatment. We ask that you determine exactly what transpired regarding the treatment of detainees during interrogations.

In the course of your investigation, we ask that you pay particular attention to:




- the types of torture and inhumane treatment described by FBI personnel in the various memoranda;
- what presidential or military directives, including Executive Orders, describe permissible or impermissible interrogation tactics;
- what steps either the Justice Department or FBI took to inform the White House or Defense Department of the torture or inhumane treatment taking place at Guantanamo Bay, and how the White House or Defense Department responded to such information;
- Justice Department and FBI policies regarding the use of inhumane treatment and torture, how such policies may have changed since September 11, 2001, and any internal conflicts pertaining to what types of treatment are legally permissible;
- how and when the Justice Department and FBI made government personnel in Cuba (both military and FBI) aware of permissible interrogation techniques;

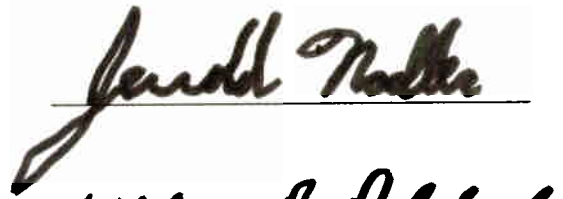


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- any personnel decisions or other administrative actions taken regarding government employees, who may have disclosed the use of inhumane treatment or torture, after such disclosures were made (i.e., were FBI agents who disclosed the use of torture later transferred to less desirable or less prestigious positions); and
- the legality of military personnel posing as FBI agents (see December 5, 2003 FBI e-mail).

Because of the conflict within the Executive Branch regarding which agency authorized this torture, only a thorough investigation by your office can get to the bottom of it. Please reply through Perry Apelbaum or Ted Kalo of the Judiciary Committee staff, 2142 Rayburn House Office Building, Washington, DC 20515 (tel: 202-225-6504; fax: 202-225-4423).

Sincerely,

cc: The Honorable F. James Sensenbrenner, Jr.
The Honorable John D. Ashcroft
The Honorable Robert S. Mueller, III